

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 12-65 ERIE |
| V |) | |
| |) | |
| DAVID L. LESONIK |) | |
| |) | |
| Defendant. |) | |

**ORDER OF COURT RE: PLAINTIFF’S MOTION TO STRIKE (DOC. NO. 52) AND
DEFENDANT’S NOTICE OF COMPLIANCE WITH THIS COURT’S ORDER
GRANTING PLAINTIFF’S MOTION TO COMPEL (DOC. NO. 55)**

Since late August 2013, Plaintiff has attempted, through various filings with the Court, to have Defendant fully respond to its interrogatories. Doc. Nos. 43, 47. Based upon those filings, the Court has ordered Plaintiff to fully respond to the interrogatories on or before September 11, 2013, (08/27/13 Text Order) and November 6, 2013 (based upon Defendant’s contention that he did not receive documents in this case)(10/17/2013 Text Order).

On October 30, 2013, documents titled “Brief Memorandum of Law/NOTICE of RICO Criminal Violations” and “Notice of Default” were filed. Doc. Nos. 50-51. Plaintiff filed a Motion to Strike those filings as frivolous. This Court agrees that Defendant’s filings are frivolous and Plaintiff and this Court will not expend resources to address Plaintiff’s meritless contentions. Therefore, Plaintiff’s Motion to Strike (Doc. No. 52) will be GRANTED.

On November 5, 2013, Defendant filed a “Notice of Compliance re. Order on Motion to Compel.” Doc. No. 55. Defendant contends that he mailed his responses to Plaintiff’s interrogatories on November 4, 2013. Id. In its Motion to Strike, the Government noted that it

“does not object to holding its Motion for Sanctions in abeyance” to see if Defendant fully responds to the interrogatories. Therefore, the following Order is entered:

AND NOW, this 6th day of November, 2013, IT IS HEREBY ORDERED THAT:

1. Plaintiff’s Motion to Strike Document Numbers 50 and 51 (Doc. No. 52) is

GRANTED;

2. Similarly, Defendant’s Notice of Default (Doc. No. 54) is **STRIKEN**;
3. Defendant shall file his response to Plaintiff’s interrogatories on or before November 12, 2013;
4. Plaintiff shall review Defendant’s responses to interrogatories and on or before November 19, 2013, file a Notice with this Court that indicates whether: (1) the pending Motion for Sanctions (Doc. No. 47) can with denied as moot based on Defendant’s responses or (2) file an updated brief in support of the Motion for Sanctions.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties